

REMARKS

Claims 1, 4, 6 and 7 remain herein. Claims 1 and 4 have been amended.

This Amendment is believed to place this application fully in condition for allowance, and certainly in better condition for any appeal. Thus, entry of this Amendment and allowance of all claims 1, 4, 6 and 7 are respectfully requested.

Claims 1, 4, 6 and 7 were rejected under 35 U.S.C. § 102 (e) over Akira JP '193. Claims 1, 4, 6 and 7 were also rejected under 35 U.S.C. § 103 (a) over Akira JP '193.

Akira JP '193 fails to teach or suggest applicants' claimed protective layer with an additional oxide comprising a strong-covalent and low-ionic binding element with an electronegativity of 1.4 or higher and having a negative charge including at least one of germanium oxide (GeO₂) and lead oxide (PbO), as recited in claims 1 and 4.

The Office Action admits that Akira JP '193 fails to describe the use of an additional oxide including at least one of germanium oxide and lead oxide. The Office Action alleges that applicants have not disclosed any criticality of the selection of the claimed oxide elements, and thus, this renders the selection of the claimed oxides an "obvious choice in design."

The USPTO MPEP does not require applicants to provide disclosures detailing the criticality of claimed elements. Each of the claimed oxides is described in Table 1 at pages 13-15 of applicants' specification. Each of these oxides is described as having (1) a negative charge and (2) an electronegativity of 1.4 or higher, so use of these oxides does not amount to an "obvious design choice." The Office Action must cite prior art references describing the use of these oxides to support any prima facie case of obviousness under § 103 (a).

Use of the specifically claimed oxides is contemplated. The use of the claimed germanium and lead oxides reduces absorption of various gases by the MgO film. As described

on page 10, line 25 – page 11, line 26 of applicants' specification, the use of the claimed oxides stabilizes discharge sustaining voltage and the brightness degradation caused by oxidation or reduction reaction of phosphor due to impurity gas such as H₂O, CO₂ or CH_x, may be overcome.

For all the foregoing reasons, all claims 1, 4, 6 and 7 are now proper in form and patentably distinguished over all grounds of rejection cited in the Office Action. The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in placing this application in even better condition for issue, he is invited to telephone applicants' undersigned representative.

Respectfully submitted,

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